portion can be modified or repealed only by the Legislative Council, while the other may be amended or repealed by a Rule Committee consisting of some of the Judges of the High Court and the leading practitioners. It is considered better and more desirable that such modifications as may be found necessary in the Orders and Rules should be done by a committee of experts who have experience in Courts and who are quite competent to judge of them. With this object, the provision for a Rule Committee has been introduced in the Bill. The new Bill, which has been drafted on the above lines, will be introduced into the Council very soon. With these words, I beg permission to introduce the Bill."

Seconded by Mr. Krishna Aiyangar.

Carried.

THE LOCAL BOARDS BILL.

Mr. Subba Aiyar also moved for permission to introduce the Local Boards Bill and spoke as follows:—

"The need for the constitution of Local Boards has been brought to the notice of Government by the Members of the Sri Mulam Popular Assembly at its successive sessions. The object of the Bill is that, so far as the needs of a locality in respect of primary education, communication, etc., are concerned, they should be attended to by the Boards constituted in the locality itself, consisting of officials and non-officials. For this purpose, it is proposed to constitute District Boards, Taluk Boards and Village Panchayats. These Boards will have their respective duties and responsibilities and will have to administer the fund at their disposal. The Bill itself would be published in the Gazette, and I think that it would be better to refer to the principle of the Bill later on. I therefore beg to move for permission to introduce the Bill."

Seconded by Mr. Rangaswami Aiyangar.

Carried.

THE PREVENTION OF JUVENILE SMOKING BILL.

Mr. Subba Aiyar, in introducing the Prevention of Juveniie Smoking Bill said:—

"At the eleventh and fourteenth sessions of the Assembly, it was brought to the notice of Government that smoking had become a vice in most of the juveniles attending educational institutions and that it was high time for the Government to take the necessary steps to prevent smoking. In England, we know that, as a matter of fact, there is the Children's Act applicable to juveniles under a certain age. The same law is in force in Ceylon, and I believe that in some of the Provinces in British India, they are introducing a law of this kind. In Mysore, a Regulation was passed in 1911 to prevent the juveniles from smoking or using tobacco in any form. We do not find any prohibition in the English Act about the use of tobacco in other forms for the reason that chewing tobacco is not prevalent there. Medical opinion seems to be that smoking among juveniles is productive of very serious diseases in after-life, such as, dyspepsia, severe disorders of the stomach, functional diseases, diseases of the heart and even blindness. These diseases develop in the young by the use of smoking or using tobacco in any form. Seeing that chewing is prevalent in this country the use of tobacco in any form is prohibited in the Bill.

The main provisions of the Bill are that no person shall sell to a person under the age of eighteen tobacco as defined in the Bill, and that, if any person under the age of eighteen uses it in any public street or public place, the Police have got the power to seize it. The Police officer may also arrest the person and, after ascertaining the name and address of the parent or guardian as also the school he is attending, if he is a pupil, he has to release him and report the fact to the parent or guardian or headmaster of the school as the case may be. If, after such release, the juvenile is found to repeat the practice, he is arrested and released on the undertaking of his parent or guardian or some other respectable person to produce the juvenile before the Magistrate. The Magistrate may discharge the offender with a warning or inflict on him a fine not exceeding one rupee or order him to receive a few stripes by way of school discipline. The object of these provisions is, as far as possible, to prevent the juveniles from smoking or using tobacco in any form. I therefore beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Rangaswami Aiyangar.

Mr. Krishna Aiyangar:—

"Sir,

I welcome the proposal to legislate for the prevention of juvenile smoking. It is certainly not an indigenous habit of any long standing so far as Travancore is concerned. I remember that, forty years ago, it was an extremely rare sight to see young boys smoking. Now, we can see, in all the public places, students poisoning the atmosphere by smoking. The medical aspect of this question has been dealt with at length by the learned Mover, and a lay man like myself cannot add anything to the scientific opinion in the matter. It is certainly desirable that the habit of smoking among the juveniles should be discouraged. The Bill does not propose to put down juvenile smoking throughout the country, and for the matter of that it does not propose to put down the offence wherever it is committed. It is only when the

LIBRARY ARCHIVES Kerala Legislative Assembly

offence is committed in public streets by persons under eighteen that the Legislature proposes to step in and punish it. It is certainly not desirable that the Legislature should proceed further and institute enquiries as to the commission of the offence inside dwelling houses. That might necessitate inquisitorial visits by the Police officers, which is certainly not desirable. It seems to me, however, that social reform and social legislation should proceed with the least resistance. In our anxiety to better society among us, we should not ignore the prejudices that have been sanctioned by the usage of centuries. Certainly in Malabar and in Travancore, *chewing* tobacco has been a fairly well-established habit with reference to a large class of the population. Young men and young girls do learn the habit from their parents at a very tender age, and naturally, they take to it. So far as smoking is concerned, it is certainly not an inherited habit. But it is one that they pick up in association with small school boys or street urchins. Is it desirable that the Legislature should attempt to put down chewing tobacco or the use of snuff in the same way in which it is proposed to put down juvenile smoking? The name of the Bill itself would suggest that it is not intended to extend the scope of the Bill to chewing tobacco or the use of snuff. Naturally the idea uppermost in the mind of the framer of the Bill would appear to be the recognition of the evil of smoking and of the need for putting it down. Other questions come in only as side issues. The Statement of Objects and Reasons of the Bill refers to the medical opinion that cigarette smoking is responsible for many diseases. Thus, so far as the Preamble and the Objects and Reasons of the Bill are concerned, the main idea seems to have been that juvenile smoking ought to be discouraged. Then comes the question whether it is desirable to extend it to chewing tobacco. In our anxiety to improve society let us not forget what may appear to us a very bad habit, but what is a necessary habit so difficult to be got rid of. Tobacco to the Travancorean is as much a necessary of life as salt. I know many poor boys and girls taking to chewing tobacco in the intervals of their working hours. The proposed legislation would deprive them of the comfort of chewing. They could not afford to go in for stronger stimulants, such as ganja, arrack, etc. The poor form the bulk of the population. Chewing has been as it were the mainstay of the work-boys and work-girls. According to the proposed legislation it is open to any Policeman to interfere with the poor boys and girls working in the streets for their bread and feeling the necessity for some sort of mild stimulant. Is the present state of society so bad as to call for such a drastic measure to put down the innocent habit of chewing tobacco, which has grown up in the midst of the people in the course of centuries?

The Mover has said that in Mysore a similar law has been enacted. Probably the conditions in Mysore may not be what they are here. But I may say that chewing tobacco cannot possibly have formed a universal habit in Mysore as it is in Travancore, and the law may not work hardship to the Mysorians. I am not prepared to recognise that Travancoreans would not feel it a keen disappointment to be deprived of a comparatively innocent pleasure of chewing tobacco, the only pleasure available to the poor. So, from the standpoint of long-standing usage, the Legislature must hesitate to interfere with the fixed habit of the people, a habit which I consider legitimate and absolutely necessary to stimulate them in doing their work. The school-boys with the strain imposed upon them on account of the heavy curriculam, sometimes exchange a pinch of snuff. This may, I think, be allowed to continue in spite of the doctor's opinion. Coffee and tea are also bad according to medical opinion. Why are they not penalised? Why should the use of tobacco alone be penalised? Is it because that the one is the prerogative of the rich and the other the mainstay of the poor? If we go by the principle, all the stimulants are weakening in the end. Let us then put down the use of arrack, opium, ganga, etc., before we come down to the more innocuous form of stimulant, *i. e.*, tobacco. This is one aspect of the question that I want the Council to consider. Do we stand in need of a legislation of this kind? Was the representation of the Members of the Assembly so serious as to call for such a radical innovation as the putting down of chewing?

Another portion of the Bill worthy of being brought to the notice of the Council is Section 3. It proposes to affect any man who sells tobacco to any person under eighteen years, unless the vendor arms himself with a written order from the parent, guardian or employer of such last-named person. It assumes that every individual in Travancore, man or woman, is in a position to write. Suppose an old lady sends her boy to buy tobacco. The vendor may refuse to sell the stuff unless the boy produces a written authority from his grandmother to protect himself from a criminal prosecution. Then the boy may be tempted to forge a letter of authority for the purpose of safeguarding the merchant. Thus, we are only introducing a provision, the effect of which will be to induce young boys to forge the signature of others merely for the sake of saving the skin of the vendor. What is the necessity for it?

I shall refer to one portion of the Bill more, and then I conclude. This Bill provides for awarding the punishment of whipping in certain cases to the juveniles who violate its provisions. I submit that this is brutalising, whether it is by way of school discipline or not. The better opinion of all educationists is against all forms of corporal punishment, even though inflicted by way of school discipline. It is better to appeal to the self-respect of the boy than to treat him like an ordinary felon. There is a crusade going on elsewhere to abolish altogether whipping from the Penal Code. So let us not have this extreme form of punishment in the case of the juveniles. Subject to these reservations, I beg to affirm the principle of the Bill".

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Govinda Menon:—

"I agree with Mr. Krishna Aiyangar in all his observations except as regards the use of tobacco and snuff. In regard to chewing tobacco, although the fact that it is a long standing habit is no reason for not putting it down, still, as there are practical difficulties in enforcing its prohibition, I think it is better to take it out of the scope of the Bill. But the use of tobacco as snuff should be taken on a par with smoking, firstly because it is not an indigenous habit, and secondly, because it is as deleterious as smoking".

Mr. Gopala Pillai:—

"I generally support the principle of the Bill. I am at one with Mr. Krishna Aiyangar in his observations in respect of chewing tobacco. Chewing tobacco is getting out of fashion among the upper classes and the evil is confined only to the lower orders. Therefore, this habit need not be interfered with and the Bill may confine itself to the rest of the habits under consideration. Sir, the evil habit of smoking has now made rapid inroads on the youths of this country, so that legislation is necessary and cannot be put off. In regard to the usefulness of this measure no discordant note will therefore be struck in the interests of the youths of the State. This is a matter of great concern, and I have no hesitation in accepting the principle of the Bill.

Sir, the havoc committed by intoxicants in this land has been only ignored by the Government and the historian has to seek in vain for materials to narrate the efforts of Government to check the growth of intemperance. The state of affairs is creating considerable disquietude in the mind of every thoughtful man in the country. Opinion is gaining ground in support of Government action at an early date. During the last twenty-five years, the annual excise revenue has risen from fifteen lakhs to thirty-five lakhs. The quantity of tobacco consumed has risen from twelve candies to fifteen candies a year, and swelled the State revenue from ten lakhs to sixteen lakhs of rupees. The contribution to the State revenue from opium and ganja, which stood at Rs. 60,000 a year, has now come to two lakhs. Taking the abkari revenue it has grown from five lakhs to seventeen lakhs of rupees. The average incidence of taxation per head of the population, be it observed, has during the last five years gone up by forty per cent. In estimating correctly the actual extent of consumption, war conditions and smuggling have also to be kept in view. So far as these figures are concerned, they will supply us with sufficient index of the change in the sobriety of the people and of their deterioration, physical, mental and moral. The picture that I have attempted to portray is a sad commentary on the people, no less on the Government.... It is my humble submission therefore that along with this the larger problem has to be solved and that it cannot brook delay. I submit again that, owing to the nature of the conditions now prevailing, this legislation, though it touches only the fringe of the mischief, is welcome. Steps have to be taken in regard to the larger question. I do not forget that the excise revenue meets more than half the cost of the public service and that the financial equilibrium necessary for successful administration is also rested upon the intemperance of the people. Therefore, though this provision itself is welcome, still the larger question has to be solved and the extension of the arm of Government to seize the whole question of intemperance will place the people under profound gratitude."

Mr. Raman Tampi:—

"While warmly supporting the principle of the Bill, I beg to submit a few words following the observations of my esteemed friend Mr. Krishna Aiyangar. His observations with respect to the nomenclature of the Bill, with reference to the Preamble and the Objects and Reasons, are not entirely unjustifiable. The learned Mover's main object in framing the Bill appears to be to prevent the use of tobacco by the juveniles in any shape. Medical opinion is in favour of the proposed measure. Looking attentively to the observations made by Mr. Krishna Aiyangar, his objection seems to be to the prohibition of the use of tobacco in a particular form. Smoking is one way in which tobacco is consumed, snuffing is another and chewing is a third. All the same, all these are ways in which tobacco is consumed. If the principle of the measure, *viz.*, the prevention of the use of tobacco in any shape by the juveniles, is sound, then I submit that the Bill has to be supported all round. The care of the juvenile population has to be taken up as early as possible. Medical inspection of school-children, provision of separate schools for children of defective eye-sight, deficient in hearing and deficient in intellect, and attempts to prevent the use of tobacco, are methods adopted in all civilised countries for the protection of the juvenile population. So, I should think that the inauguration of a measure of this kind has not come a moment too soon, and I warmly support the provisions of the Bill. The fact that the juvenile population of Travancore has been allowed to indulge in the habit of chewing tobacco for any length of time undeterred, is no reason why we should not legislate. It all depends upon the circumstance whether you are convinced of the fact that the use of tobacco by the children is good or bad. If it is bad, the fact that they are indulging in the habit is not a bar to start the legislation.

With regard to the punishment of whipping upon which Mr. Krishna Aiyangar spoke, I heartily endorse every word he said. Corporal punishment is condemned all over the world, and, as he said, there is a plea raised for the abolition of it altogether. With these words, I beg to affirm the principle of the Bill".

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Daniel:—

"I beg to support the principle of the Bill. I have to say that the Bill has been introduced into the Council none too soon. We, schoolmasters, who have always to do with children are painfully aware, perhaps more than others, of how greatly this pernicious habit has become prevalent among the lads. Medical men may be able to prove by various methods how injurious it is. But we see with our own eyes how the boys who are using tobacco in large quantities for any length of time deteriorate both in body and mind. The educational authorities evidently became aware of this some years ago, for they issued a circular to the headmasters of the various schools that boys using tobacco in any form should be carefully noted and seriously dealt with. But the schoolmasters have not been able to effectively prevent it. At every turn of the street, there are shops selling cigarettes and snuff, and these have always been an irresistable attraction for boys. Now, a provision of this Bill provides for effective check over selling tobacco and cigarettes to boys under eighteen years of age. I think that, with this additional weapon, it would be easy for schoolmasters at any rate to prevent the spread of this habit.

The Bill itself, as has been pointed out, is comprehensive enough. But the title of the Bill is, 'The Prevention of Juvenile Smoking'. I beg to suggest that it be altered into, 'The Bill to Prevent the Use of Tobacco by Juveniles."

Mr. Subba Aiyar's motion was carried.

Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of Messrs. Rajaram Rao, Kuriyan, Krishna Aiyangar, Raman Tampi and the Mover, to report within three months.

Seconded by Mr. Subrahmanya Aiyar.

Carried.

THE FOREST REGULATION AMENDMENT BILL.

Mr. Subba Aiyar, in introducing a Bill to further amend the Travancore Forest Regulation, II of 1068, as amended by Regulations IV of 1071, IX of 1085 and IV of 1089, spoke as follows :—

"Sir,

I beg to introduce a Bill to amend Regulation II of 1068. Under Rule 32 of the Rules for the conduct of business the Bill has been published in the Gazette. In spite of three amending Regulations, some defects have been brought to the notice of Government by the Conservator of Forests. The amendments are based mainly upon the provisions of the Indian Forest Act. I shall explain to the Council some of the important amendments and the reasons that necessitate the same. Clause 1 of the Bill recasts the definition of 'forest produce'. It will be noticed that under the existing Regulation an article will be a forest produce only when it is *found in* or *brought from a forest*. The amendment makes a twofold classification of 'forest produce', the first class including those wherever found and the second class those which are found in or brought from a forest. The object of the amendment is not to impose unnecessary restrictions upon or to interfere in any way with the liberty of the subjects and add to the list of forest offences, but only to make the meaning originally intended by the Legislature clear. It will be conceded that preservation of forests is necessary both in the interests of Government and of the subject. To secure this object in view and to prevent smuggling from Government forests, the Regulation requires that no timber whether from a forest or otherwise shall be transported without a pass. Again in Travancore there are trees which are royalties such as teak and blackwood. These trees, wherever found, whether on Government property or on private registered holdings, are the property of Government and such trees cannot be felled or removed without the permission of Government. Thus then, though 'timber' will be forest produce only when found in or brought from a forest, yet the Regulation deals with *all timber wherever found*. Section 33 empowers the Government to make rules with reference to transport of *all timber* and Section 34 penalises unwarranted interference with royalties *wherever found*. Thus then, under the existing law, dishonest possession in the case of royalties and transport without a pass in the case of all timber are made penal. Royalties being the property of Government it is incumbent upon a person in possession of them to prove that he came by the same honestly. Section 34 (c) therefore provides that "whoever is found in possession of *such* trees or of any produce which is a royalty without having honestly obtained it" shall be liable to imprisonment or fine or to both. In the above clause '*such trees*' mean trees which are royalties. The question for consideration is what is meant by 'trees'. There is no doubt that the Legislature meant to include 'timber' in clause (c), for if 'tree' meant a standing tree it is no offence to be in possession of such standing tree. It means then a tree which has been felled or which has fallen down and under the definition 'timber' includes a 'felled or fallen' tree. Though the Legislature intended to provide for such timber wherever found some difficulty has been experienced by a recent decision of the High Court. In this case the accused was found in possession of some teak materials which he could not account for. He was convicted by the Magistrate and the conviction was upheld in appeal. In revision the conviction was set aside by the High Court. Their Honours in discussing the question whether Section 34 (c) will apply to such a case observe as follows :—"It is not possible to "regard the sawn materials as falling under the term 'trees'. The expression 'tree' is not de"fined in the Forest Regulation, but described in Section 2 as including palms, bamboos, stumps,

LIBRARY, ARCHIVES Kerala Legislative Assembly